UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/671,731	09/29/2000	Thomas Grassl	JEK/Grassl	4440

7590 12/22/2004	EXAMINER
Bacon & Thomas PLLC	GURSHMAN, GRIGORY

ART UNIT	PAPER NUMBER
2132	

Bacon & Thomas PLLC
625 Slaters Lane
4th Floor
Alexandria, VA 22314-1176

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 September 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Drawings

1.   The formal drawings submitted on 9/23/04 are accepted by examiner.

Response to Arguments

2.   The Rejections of claims 1, 7, 8, 10 under 35 USC § 112 has been overcome by

Applicant's amendment of the instant claims.

3.   Applicant's amendment of claims 1-16 merely reflect changes to place the claims

in proper U.S. format without changing the scope of the claims or adding new

limitations.

4.   Referring to claims 1-16, Applicant argues that neither Pearce nor Sloan disclose

or suggest using dual threshold sensors ("overshoot" and "undershoot") for detection of

external actions against a secured data storage. Examiner points out that

undershooting a threshold is only recited in claim 1, using the limitation "overshooting or

undershooting of a threshold". According to this claim language, Pearce teaches one of

the limitations, exceeding (i.e. overshooting) the threshold. Examiner also points out

that one of ordinary skill in the art would have equated determination of an attack by

detection of undershooting with detection of overshooting since it works exactly the

same way on the sensors. The implementation of the detection process comes down to

comparing some incoming values with the range determined by the threshold value.

That is consistent with teachings of Pearce, who discloses a sensor within the personal

computer for transmitting an alarm through the data transmission network when the

detected parameter of the security device <u>exceeds the stored threshold</u> even if the personal computer is in its non-operational state (see column 6, lines 15-25).

5.   Applicant further argues that Pearce and Sloan do not teach erasing the data in the secured data storage in response to detection of an attack. Examiner disagrees and point out that this limitation is explicitly taught by Sloan, who teaches that in order to make the stored data secure, the equipment comprises one or more sensors (a, b, c) which sense a predetermined characteristic of an authorized user and <u>cause erasure of</u> the stored data if this characteristic is absent e.g. for more than a predetermined time (see Sloan, abstract).

6.   Applicant further argues that the prior art of record does not teach monitoring and recording of status data. Examiner points out that the limitation "recording device, which permanently records the status data of the sensors in a memory" is met by a transmission network used to report the incident to a monitoring station for appropriate logging and action (see abstract of Pearce).

7.   Applicant also argues the technical features of claimed invention versus the technical features of the art of record. Examiner points out that while these differences may exist they are not adequately reflected in the Applicant' claims.

8.   In view of the reason provided herein, the rejections of claims 1-16 is maintained.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pearce (U.S. Patent No. 6.308.272) in view of Sloan (GB 227107A).

11.   Referring to the instant claims, Pearce discloses a security system using existing

network and personal computers (see abstract). Pearce teaches the security system

using a security detector associated with a personal computer attached to an existing

data transmission network, where the personal computer is effective to detect security

breaches and transmit an alarm even if the personal computer is not in its operating

mode. When a security breach is detected by the security detector, the data

transmission network is used to report the incident to a monitoring station for

appropriate logging and action (see abstract). Pearce also teaches a sensor within the

personal computer for transmitting an alarm through the data transmission network

when the detected parameter of the security device exceeds the stored threshold even

if the personal computer is in its non-operational state. The sensing means within the

personal computer including a secondary processor which is operational even when the

personal computer is in its non-operational state, whereby an alarm is transmitted when

the secondary processor detects that the output of the security device exceeds the

stored threshold (see column 6,lines 15-25).

12.   Referring to the independent claims 1 and 10, the limitation "sensors to detect

external action on component containing the secured data storage" is met by the sensor

(195 in Fig.2). The limitation "a sensor evaluation devise" causing some action "when a

threshold is overshot on one of the sensors" is met by a sensor within the personal

computer for transmitting an alarm through the data transmission network when the

detected parameter of the security device exceeds the stored threshold (see column

6,lines 15-25). The limitation "recording device, which permanently records the status

data of the sensors in a memory" is met by a transmission network used to report the

incident to a monitoring station for appropriate logging and action (see abstract).

13.   Pearce, however, does not teach erasing the content of the security data memory

when a threshold is overshot. Referring to the instant claims, Sloan discloses an

equipment for electronically storing data (see abstract). Sloan teaches that in order to

make the stored data secure, the equipment comprises one or more sensors (a, b, c)

which sense a predetermined characteristic of an authorized user and cause erasure of

the stored data if this characteristic is absent e.g. for more than a predetermined time

(see abstract). Sloan also teaches that in case of sensor a, a timer 12 causes erasure

of data stored in a RAM 15 if the life function is below a threshold level for a preset time.

In the case of sensors b and c, the timer 12 causes erasure of the data if successful

comparisons are not regularly performed. In the case of sensor c a predetermined

number of unsuccessful comparisons causes erasure. Furthermore, a sensor 17 is

sensitive to breaking- open of the equipment, to cause erasure of the data (see abstract

and Fig.1).

14.   Therefore, at the time the invention was made, it would have been obvious to one

of ordinary skill in the art to use sensors for detecting external action on the security

data memory of Pearce and erase data if the parameters are below the threshold as

taught in Sloan. One of ordinary skill in the art would have been motivated to use

sensors for detecting external action on the security data memory and erase data if the

parameters are below the threshold as taught in Sloan in order to make the stored data

secured (see Sloan abstract).

15.   Referring to claims 2, 3, 4, 5, 12, Pearce teaches that status data of the sensors

is stored in memory (see Fig.3).

16.   Referring to claims 7 and 16, it is well known in the art to use a backup battery

coupled top the computer. One of ordinary skill in the art would have been motivated to

use the battery for maintaining the operation of the security sensors and detecting the

attacks.   .

17.   Referring to claims 11-13, Pearce teaches storing the status data of the sensors

by the data recording device (see Fig.3). The status data is sent through I/O (unit 58) to

EEPROM and to INST RAM and DATA RAM (units 59, 52 and 54 respectively).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Grigory Gurshman whose telephone number is

(571)272-3803. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barron can be reached on (571)272-3799. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Grigory Gurshman
Examiner
Art Unit 2132

GG

GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100